IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4880 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DALPATBHAI DAYABHAI MISTRY

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR NV ANJARIA for the Petitioner.

MR DN PATEL for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 08/05/2002

ORAL JUDGEMENT

Rule. Mr.N.J. Shah, for Mr.D.N. Patel, waives service of rule on behalf of the respondent.

With the consent of the parties, the matter is taken up for hearing today.

The petitioner has already applied for a passport. However, with his original application, he has submitted copy of the relevant page of the school leaving certificate, wherein his birth date is shown as 1.3.1952, but thereafter, the petitioner, after obtaining extract from the Birth and Death Register, again submitted application before the authorities, which is at page 14. By the said application, he has requested the Regional Passport Office, Ahmedabad that the passport may be given on the basis of the extract of the Birth and Death Register and that his birth date may be mentioned as 25.12.1952 at the time of issuing the passport. The Authority has not yet issued passport to the petitioner and his application for passport is still pending.

Considering the facts and circumstances of the case, the Authority is directed to decide the application of the petitioner dated 26th April, 2002, which is pending before the Authority. The Authority may decide the application of the petitioner for correcting the birth date in accordance with law and as per the Rules, and after considering the necessary evidence on record, may pass appropriate orders in accordance with law. From the evidence on record, if the Authority is satisfied that the grievance of the petitioner is justified and the correct birth date of the petitioner is 25.12.1952, then necessary orders correcting the entry may be passed and on that basis, appropriate entry in the passport may be posted and the said passport may be issued to the petitioner accordingly. The proceedings may be expedited. However, it is for the authority to appreciate the evidence and to pass appropriate order in accordance with law.

Mr.Anjaria submitted that the birth certificate which is granted by the Birth and Death registering authority is prior in time as compared to the school leaving certificate.

Since the petitioner at the initial stage has not taken care for giving appropriate birth date, the petitioner is directed to pay costs of Rs.2,000/- to the authority. The said amount may be deposited with the Authority within a period of two weeks from today.

The petition is accordingly allowed. Rule is made absolute to the aforesaid extent, with costs as quantified above.

Direct service is permitted.

8th May, 2002 (P.B. Majmudar, J.)

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(apj)